

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (currently amended): A positive active material comprising:

one or more particles of lithium nickelate having a surface and having a formula  $\text{Li}_y\text{Ni}_{1-y}\text{M}'_z\text{O}_2$  where  $0.05 \leq y \leq 1.2$  and  $0 \leq z \leq 0.5$ , and  $\text{M}'$  is selected from the group consisting of Fe, Co, Mn, Cu, Zn, Al, Sn, B, Ga, Cr, V, Ti, Mg, Ca, Sr and mixtures thereof; and

an olivine compound having an olivine-type crystal structure and having a formula  $\text{Li}_x\text{MPO}_4$  where  $0.05 \leq x \leq 1.2$ , and M is selected from a group consisting of Fe, Mn, Co, Ni, Cu, Zn, Mg and mixtures thereof;

wherein the surface of the particles of lithium nickelate are covered with the olivine compound, and wherein a content of the olivine compound in the positive active material ranges from about 5 wt% to about 50 wt%.

Claim 2 (canceled)

Claim 3 (original): The positive active material according to claim 1, wherein the olivine compound is in the form of particles, and wherein an average particle size of the particles of the olivine compound is one-half or less as compared to an average particle size of the particles of lithium nickelate.

Claim 4 (original): The positive active material according to claim 1, wherein a coating thickness of the olivine compound ranges from about  $0.1 \mu\text{m}$  to about  $10 \mu\text{m}$ .

Claim 5 (currently amended): A non-aqueous electrolyte secondary battery comprising:  
a positive electrode including a positive active material;  
a negative electrode containing a material selected from a group consisting of metal lithium, a lithium alloy, and a material allowing lithium to be doped or undoped in or from the material; and

a non-aqueous electrolyte;

wherein the positive active material includes one or more particles of lithium nickelate having a surface and having a formula  $\text{Li}_y\text{Ni}_{1-z}\text{M}'_z\text{O}_2$  where  $0.05 \leq y \leq 1.2$  and  $0 \leq z \leq 0.5$ , and  $\text{M}'$  is selected from the group consisting of Fe, Co, Mn, Cu, Zn, Al, Sn, B, Ga, Cr, V, Ti, Mg, Ca, Sr and mixtures thereof; and

an olivine compound having an olivine type crystal structure and having a formula  $\text{Li}_x\text{MPO}_4$  where  $0.05 \leq x \leq 1.2$ , and M is selected from the group consisting of Fe, Mn, Co, Ni, Cu, Zn, Mg and mixtures thereof;

wherein the surface of the particles of lithium nickelate are covered with the olivine compound, and wherein a content of the olivine compound in the positive active material ranges from about 5 wt% to about 50 wt%.